

STATEMENT OF SUBSTANCE OF EXAMINER INTERVIEW

Applicant's counsel and Examiner David Thomas held a telephonic interview on February 21, 2007. The Chenchik and Gordon references were discussed with respect to claim 1. Applicant's counsel submitted that the Chenchik and Gordon references are not very relevant to the claimed invention. Examiner Thomas defended the references as being applicable to the claim language, but had not necessarily read Applicant's specification, just the claims. Applicant's counsel pointed out that claim 1 defines a reference solution that is composed of synthetically produced mutation sites in pure form, and that can be differentially amplified with great precision, for use as a clinical reference. This is different than the cited references, which only describe techniques that test for the mutations.

Modes of synthesis in molecular biology were discussed, with Applicant's counsel pointing out that the cited references rely on conventional double-stranded constructs, vectors, cloning, etc., and thus constitute different methods than Applicant's, and have by-products that end up as extraneous material in test solutions, in contrast with Applicant's claim 1.

The Examiner noted a tendency at the Patent Office to consider single-stranded and double-stranded nucleic acids as equivalents. Applicant's counsel emphasized that Applicant's base-by-base construction of nucleic acids forms a single strand of bases from scratch, quite different than conventional double-stranded methods.

No agreement was reached on any claim, but agreement was reached that Applicant will submit a Response after Final Rejection.